



Docket No.: 240932US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 1751

Douglas G PLACEK, et al.

SERIAL NO: 10/626,645

EXAMINER: KHAN, A.

FILED: July 25, 2003

FOR: A FUNCTIONAL FLUID
AND THE USE THEREOF

DECLARATION UNDER 37 C.F.R. § 1.131

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

Mr. Douglas G. Placek, Bernhard G. Kinker, David J. Cooper, Jr., and Robert P.

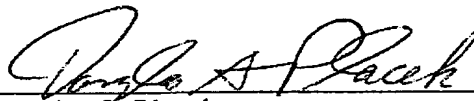
Simko depose and state that:

1. We are coinventors of the subject matter claimed in the above-identified application.
2. Prior to May 29, 2001 the invention claimed in the above-identified application was completed in the United States.
3. Appendix I shows page DP1-8 which is a page from Doug Placek's notebook. Page DP1-8 includes compositional and heat of combustion information for different functional fluids. The functional fluids are described in the middle of the page, e.g., "15% HF833 in TiBP". HF833 is an alkyl (meth)acrylate identified on page DP1-8 as a polymer having MMA/LMA monomer units in a ratio of 11/89. MMA is methyl (meth)acrylate. LMA is lauryl (meth)acrylate. BMA is butyl (meth)acrylate. TiBP is tri-iso-butylphosphate.
4. Appendix I shows that a functional fluid containing (i) 15% of an alkyl (meth)acrylate containing polymerized units of methyl (meth)acrylate and lauryl

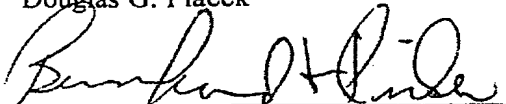
(meth)acrylate and (ii) 85% of an oxygen containing compound, was made no later than February 22, 2000.

5. The undersigned petitioners declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.


6. Further deponents saith not.


Douglas G. Placek


10/2/06
Date


Bernhard G. Kinker

10/4/2006
Date


David J. Cooper, Jr.

10/2/06
Date


Robert P. Simko

10/2/06
Date

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/06)

APPENDIX I

Page DP1-8 of a notebook from Doug Placek.



Work continued from page _____

Project Number _____

Page DPI-8

Date	Subject	Heat Of Combustion Data				ASTM D 240 Heat of Combustion using Parr Oxygen Bomb Calorimetry	
		Data Generated at Chilworth Technology, Monmouth Junction NJ					
2/22/00	Sample	<u>Heat of Combustion, cal/g</u>				<u>wt.% Oxygen</u>	
	TiBP	Tri-iso-butyl phosphate				6600	
	HF833	100% Polymer	MMA/LMA, 11/89	7873		14.3	
	PA 7948	100% Polymer	MMA/LMA, 36/64	7598		19	
	PA 7570	100% Polymer	MMA/LMA/BMA, 20/40/40	7494		23.9	
	JOA485, 100% Polymer	7538					
	15% HF833 in TiBP	6786					
	15% PA 7948 in TiBP	6773					
	15% PA 7570 in TiBP	6653					
	ASTM D240 Repeatability = 31 cal/g, Reproduceability = 95 cal/g.						
	TAP- ISO 46 Isopropylphenyl phosphate, FMC Durad 220	7708					
	<u>ISO 46 viscosity blends</u>						
	JAO485/TiBP	56/44	BMA	7341		22.5	
	DC308/TiBP (low MW	85/15	LMA/MMA, 65/35	7840		19	
	DC307/TiBP	40/60	LMA/MMA, 58/42	8224		20.4	
	DC309/TiBP	34/66	LMA/MMA, 40/60	7615		24	
	DC306/TiBP	30/70	LMA/HEMA, 67/33	7044		20.2	
	New Idea Registration - Fire Resistant Hydraulic fluids						
	A fire resistant hydraulic fluid can be created that meets the new Factory Mutual Spray Flammability Parameter (SFP) test requirements based on an alkyl phosphate ester and a PAMA thickener.						
	Group 2 or Group 1 status is predicted based upon the low heat of combustion of the PAMA/phosphate system. It is also possible to create a fire resistant fluid based on a PAMA/polyol ester blend as well as a PAMA/polyol ester/phosphate ester blend.						
	Project work is underway to determine the optimum PAMA structure and optimum ratios of phosphate ester and polyol ester.						

Work continued on page _____

Subject matter of page _____ to _____ disclosed to me.

Witness Chr. Hartman Date 2/25/00Work done and entries made by JCP Macela Date 2/25/00